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ROYAL COMMISSION ON TRANSPORTATION

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MEMORANDUM OF

ONTARIO MOTOR LEAGUE

Toronto, March 1938

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ROYAL COMMISSION ON TRANSPORTATION

MEMORANDUM OF ONTARIO MOTOR LEAGUE

Toronto, Ont. March 1938

Several questions were referred to the Ontario Motor League for consideration by Mr. Joseph Singer, K.C., Counsel for the Royal Commission on Transportation.

The questions were:

- (1) A proposal that commercial motor vehicles be prohibited from operating on the highways Saturdays, after noon, and all day on Sundays.
- (2) Should the use of "double hook-ups" be prohibited.
- (3) Should Automobile Insurance be made Compulsory.

These three questions were the subjects of extensive discussion at the Annual Conference of the Directors of the Ontario Motor League and Representatives of Affiliated Clubs, held in Toronto on Monday, March 7th.

Prior to the Conference, the League had obtained in writing the views of Affiliated Clubs on the first two questions. The views of the Ontario Motor League, as expressed by the Affiliated Clubs and the Annual Conference, on the several questions were as follows:

- (1) A PROPOSAL THAT COMMERCIAL MOTOR VEHICLES BE PROHIBITED
FROM OPERATING ON THE HIGHWAYS SATURDAYS, AFTER NOON,
AND ALL DAY ON SUNDAYS:

The consensus of opinion was that present restrictions on all unnecessary trucking over the highways on Sundays should be rigidly maintained, but that there should be no interference with the free operation of Commercial Motor Vehicles on Saturdays.

The view was expressed by the Hamilton Automobile Club, "That trucks should not be prohibited from driving on the highways on Saturday afternoons and evenings for the reason that such prohibition would greatly interfere with

present marketing conditions and also mean the virtual tying up of the trucks of many large transport companies and others for the whole of Saturday, as it would not be possible for them to leave their base with a load on Saturday morning, reach their destination, and get back to their base before noon on Saturday."

"The present provisions of the Lord's Day Act are sufficiently stringent to deal with the operation of trucks on the highways on Sundays, more especially as the Highway Department has been interesting itself in the enforcement of the provisions of the Act."

The Brant Motor Club (Brantford) advise that the opinion of the Directors of that Club was "That there should be legislation prohibiting truck operation on highways on Sundays, with an exception in favor of trucks engaged in transporting perishable articles which could be classified as necessities, such as milk, etc. They were not of the opinion that such restrictions should apply on Saturdays as this would be too difficult to apply in connection with farm trucks and other trucks which necessarily have to travel on Saturday".

"It was the opinion of the Board that there is a need for such restriction to be imposed because at the present time there is no legislation covering it specifically, although there is a standing request by the Department of Highways that truck operators keep their trucks off the highway on Sundays so far as possible.

"It is believed that such restriction would be practical with the limitations suggested and would be of real value in tending to increase safety in driving on Sundays by lessening congestion of traffic caused by cars being held up by slower moving trucks in heavy traffic".

The London Motor Club submitted statements by a number of Directors favoring Sunday prohibition of Commercial Motor Vehicle operations, but disapproving of special restrictions on Saturdays.

The Secretary of the Automobile Club of St. Catharines District and

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Lincoln County submitted as a personal opinion the view that it might be well in the interest of highway safety to prohibit the operation of heavy trucks from Sundown on Saturday evening until Sunrise on Monday morning. He would not extend this prohibition to farm vehicles.

The Essex County Automobile Club (Windsor) reports: "At our meeting a few nights ago your letter with reference to the use of trucks on the highways was pretty thoroughly discussed. There was no resolution passed except to refer the whole question to our Traffic Committee, giving them power to act and to draft a resolution on the question."

"The feeling of the meeting, however, seemed to be all in favour of leaving matters as they are at the present time. There was strong objection to the curtailing of the use of trucks on Saturday afternoons."

The Oshawa Motor Club advises: "Most of our Directors favor the enforcement of legislation prohibiting truck operations on Sundays, but feel that such restrictions ought not to apply on Saturday afternoons or evenings because the present capacity of the highways is not sufficient to handle passenger car requirements during heavy traffic periods of the year, and, moreover, when overcrowded, account for increased hazards to human life and property while the transportation of perishable products would have to be provided for in any regulation set up, apart from that, the restriction should not work a hardship on anyone".

The Peterboro Automobile Club informed the League that the Club was not in favor of enforcing legislation to prohibit truck operation on Saturdays and Sundays: "We feel that the trucks already are conforming very well to the request of the Department to keep off the Highways on Sunday and if such legislation went through it would certainly be a hardship first on the farmers taking their produce to distant markets and not be able to get home for Sunday. Again it would be pretty tough on the through transports with long haulage with the possibility of an accident,

say Saturday afternoon or evening, which would mean he would have to lay up there until Monday morning and this Club really feels that there isn't any real need for any such restrictions at the present time."

The North Waterloo Automobile Club (Kitchener) advise that members interviewed were of the opinion that the prohibition of truck traffic on the highways Saturday afternoons and evenings would be too stringent a regulation, but all favored a Sunday prohibition.

The Sault Ste. Marie Automobile Club reported that the consensus of opinion of local motorists was that "The use of commercial vehicles is negligible on Sundays and there is no need of legislation prohibiting their use on the public highways. In some instances, they are, however, used for other purposes, in taking parties out to the country and bringing farmers' families to town, with which use we would be reluctant to interfere".

The Nickel Belt Motor League (Sudbury) advise that the members of their Club at their monthly meeting declared themselves in favor of prohibiting Commercial Motor Vehicles from operating on the highways from midnight Saturday until Midnight Sunday. The Club however would exempt half ton trucks as these are reported to be very often used by people as passenger cars, especially by those who cannot afford to own and operate both a passenger car and a truck.

The point of view generally held on the question of truck operation on Saturdays and Sundays as clearly indicated in the above references, was formally approved by the delegates in attendance at the Ontario Motor League's Annual Conference on March 7th. 1938.

(1) SHOULD THE USE OF DOUBLE HOOK-UPS BE PROHIBITED:

A variety of opinions were expressed on the question of double hook-ups. The view was generally held that while the double hook-up continues in use, all motor vehicles with trailers attached should be subject to frequent inspection to make sure that the requirements of the Highway Traffic Act with respect to secure fastening, braking equipment and over-all length are being properly observed. The opinion was expressed that due regard should be had to existing investment in trailer equipment meeting the present requirements of the Act in giving consideration to the prohibition of double hook-ups. Lengthy vehicles or combinations of vehicles generally speaking were not regarded with favor from the standpoint of the operator of the passenger motor vehicle.

The Hamilton Automobile Club reported: "While opposed to double hook-ups on principle, the feeling of our Board was that some special allowance might have to be made in the case of tractors drawing semi-trailers and trailers. No definite decision was reached, but the consensus of opinion appeared to be that the length of the truck or hook-up was more important than the number of units. The opinion was also offered that there should be a special inspection and regulations governing the operation of trucks and that a speed of 50 miles an hour was much too great for heavily loaded trucks to travel with reasonable safety to themselves and others on the highways".

The London Motor Club reported opinions adverse to the use of double hook-ups.

The Essex County Automobile Club (Windsor) advised that the consensus of opinion of that Club was that double hook-ups should not be prohibited if properly safeguarded and a reasonable over-all length maintained, say not in excess of 50 feet.

The Oshawa Motor Club expressed disapproval of double hook-ups as not being considered a safe arrangement for the highways because of the difficulty encountered by motorists in passing them.

The Peterboro Automobile Club advises: "With regard to the double hook-up this Club is absolutely opposed to it and feels that it should be prohibited. ----- It is bad enough to try to pass such a hook-up in the day-time but we feel there should be a sign or series of lights on the back of the last trailer to warn the oncoming driver just what he has to pass."

The Secretary of the Automobile Club of St. Catharines District and Lincoln County states: "There would seem to be little doubt that the double hook-up is a very great danger and while I cannot speak with authority, I feel quite certain that the use of them on the highways should be discontinued. The single trailer is difficult enough."

The Sault Ste. Marie Automobile Club reports: "We are, however, opposed to the use of double hook-ups, due to their sway, and their length, which makes it difficult to pass for overtaking vehicles."

The Nickel Belt Motor Club (Sudbury) would prohibit the use of double hook-ups except on four-lane highways.

The above references show the position taken by the Directors of the Ontario Motor League and Affiliated Clubs on the question of double hook-ups.

(5) SHOULD AUTOMOBILE INSURANCE BE MADE COMPULSORY?

The Conference of Directors and Representatives of Affiliated Clubs held on March 7th. 1938, reaffirmed the policy of the League in supporting the limited form of Compulsory Automobile Insurance now in effect in Ontario under the provisions of the Financial Responsibility Plan incorporated in the Provincial Highway Traffic Act.

A most intensive study of Compulsory Insurance and Safety Responsibility Laws was made by the Royal Commission on Automobile Insurance Premium Rates in 1929.

The Ontario Motor League at that time made definite recommendations to the Commissioner, the Honorable Mr. Justice Frank E. Hodgins. The recommendations which were made by the League following a close study of the whole question was that in lieu of Universal Compulsory Automobile Insurance as in effect in the State of Massachusetts, that the Province of Ontario should adopt, with some slight variation, what was known as the Financial Responsibility Law as drafted by the American Automobile Association, and enacted by a number of States of the United States.

An extensive investigation of Financial Responsibility Legislation was made by the Commissioner in the course of which he visited Albany, New York City, Springfield, Mass., Boston, Mass., Hartford, Conn., Washington, D.C. and Baltimore, Maryland in the United States where he held hearings in addition to the lengthy hearings held in Toronto.

In Toronto, police magistrates and inspectors, members of the Legislature representatives of the Toronto Board of Trade, the County of York Law Association, the Ontario Motor League and local Automobile Clubs, Mayors and Councillors from outside points, as well as insurance men, appeared personally before him. In the United States, State Commissioners of Motor Vehicles and Superintendents of Insurance, representatives of motorist organizations such as the American Automobile Association, and of the Chamber of Commerce of the United States, and numerous

insurance counsel and underwriters offered voluntary testimony to assist his enquiry. Few enquiries have been more carefully or thoroughly conducted than that of the Royal Commission of 1930.

For reasons fully stated in its report of upwards of eighty printed pages to which attention is directed, "Interim Report on Compulsory Insurance and Safety Responsibility Laws by Royal Commission on Automobile Insurance Premium Rates, March 3, 1930 (Ontario Sessional Papers No. 15)", the Hodgins Commission recommended strongly and unequivocally against compulsory insurance and in favour of financial or safety responsibility legislation. The Legislature enacted within thirty days the amendments to the Ontario Highway Traffic Act now included in Part XLII entitled "Financial Responsibility of Owners and Drivers" of the Highway Traffic Act, R.S.O. 1937, chapter 288. There was also enacted at the same time, on Commissioner Hodgins' recommendation, Part XLV entitled "Accident Reporting, Statistics and Rating".

All of the Provinces of Canada, with the exception of Quebec, have since enacted Financial Responsibility Laws and more or less similar laws are now in effect in twenty-seven States and the District of Columbia in the United States. Even the State of Massachusetts is considering the adoption of a Financial Responsibility measure in addition to that State's provisions for Compulsory Insurance limited to liability for personal injuries.

When the Hodgins Commission made its report in 1930 it gave an outline of the Compulsory Insurance laws of various countries, including the then pending English Act which was passed later in 1930, and went into force on January 1st. 1931. Since that time, as far as the League is aware, no State or Country which had universal Compulsory Insurance has abandoned it and no State or Country which did not have it then has adopted it.

The opinion that no person should be permitted to drive an automobile unless covered by insurance may be said to be no more and no less general than it was in 1930, prior to and since which time the question of Compulsory Insurance has been a favorite topic of discussion among motorists.

The Ontario Motor League is satisfied that the Financial Responsibility legislation enacted in 1930 and the operation of the reciprocal provisions with other provinces and states has had good results.

The League does not contend that this legislation has provided a complete answer to the problem of the uncompensated motor vehicle accident. A perusal of the Hodgins' report will indicate that the Commissioner himself had no expectation that it would. His view was that such legislation represented a safe, sane step in the right direction - what might be termed an interim measure until a large majority of motorists voluntarily, or involuntarily by reason of the financial responsibility provisions, took out insurance.

The degree of effectiveness of the Financial Responsibility Law in Ontario is indicated by the following suspensions made between September 1st. 1930 and October 31st. 1937:

FINANCIAL RESPONSIBILITY SUSPENSIONS
Sept. 1, 1930 to Oct. 31, 1937

Suspension Cause.

Reckless Driving	9,289
Speeding,	336
Racing,	11
Driving without license ..	4,549
Criminal Negligence	238
Other offences,	600
Policy cancellation,	4,878
Unsatisfied judgment	497
Failing to remain at accident	1,282
Intoxication,	3,550

Total 25,230

These suspensions all required the surrender or confiscation not only of driver's licenses but also all motor vehicle permits and number plates registered in name of person suspended.

The number of suspensions rescinded is shown below:

FINANCIAL RESPONSIBILITY SUSPENSIONS RESCINDED
Sept. 1, 1930 to Oct. 31, 1937

Suspension Cause.

Reckless Driving,	5,552
Speeding,	242
Racing,	11
Driving without license	4,094
Criminal Negligence	99
Other Offences,	151
Policy cancellation,	2,518
Unsatisfied judgment,	474
Failing to remain at accident, ..	792
Intoxication,	1,234
Expiry,	1,349
Total	16,516

It is to be noted that the rescinding of 16,516 suspensions out of a total of 25,230 leaves 8,714 suspensions still in effect.

Applying compulsion to all motor vehicle owners to carry insurance is not to be regarded as a Safety measure. Experience in Massachusetts has shown that under a plan of general Compulsory Insurance motor vehicle accidents grew in number and insurance premiums had to be increased.

In a recent public address, (October 26, 1937) the Honorable F.J. DeCelles, Commissioner of Insurance for the State of Massachusetts said: "Let us be frank about the Compulsory Insurance law. It has not prevented accidents. It is not a safety measure. As a matter of absolute fact accidents have increased during the years of its operation. I do not think that anyone will deny that persons having property damage claims are likely to make exaggerated personal injury claims in

order to cover the property damage, because as a matter of actual practice it is much easier to establish proof, and collect, on personal injury claims".

While referring to the Hodgins report for a full consideration of the question of Compulsory Insurance to which no new argument appears to have been added during the intervening years, there are some points which might well be emphasized in this discussion of the subject.

When Compulsory Insurance was adopted in Great Britain, ninety-five percent. of automobile owners already carried insurance voluntarily; the new Road Traffic Act only applied, therefore, in its Compulsory aspect to five percent. of motorists. In Ontario, only about fifty percent. of automobile owners carry insurance - voluntarily. Urban motorists are more generally insured than rural motorists. Any proposal to compel the overwhelming majority of rural motorists to do something they will not do voluntarily is fraught with innumerable difficulties.

The value of the U.S. motor tourist traffic which flows annually into Ontario has been estimated at \$125,000,000 per annum. The State of Massachusetts is the only State which compels its motorists to carry automobile insurance; in other States, as in Canada, only about one-half of the motorists carry insurance. Any publicity given to a proposal that Ontario intended to bar from its highways any motorists not carrying insurance, much less the enactment of any such law, would seriously threaten Ontario's tourist traffic. On the contrary, why should Ontario compel Ontario motorists to carry insurance while permitting free use of the highways to uninsured United States Motorists, to say nothing of uninsured motorists from other Provinces of Canada? Great Britain and other Countries do not exempt the cars of visiting non-residents from the provisions of their Compulsory Insurance laws.

The Safety Responsibility law has been subjected to the criticism that it does not go far enough. Compulsory Insurance for all Motorists still has its

advocates, despite the unfavorable features of the Massachusetts experiment.

Not even universal Compulsory Insurance including property damage would satisfy some critics of the Safety Responsibility Law. What they really want is universal state compensation for all persons injured by motor vehicles. Under compulsory universal insurance it would still be necessary to prove negligence on the part of the driver of a motor vehicle before a claim for injuries could be established, and as the majority of pedestrians injured by motor vehicles sustain such injuries through their own carelessness, there would still be no monetary compensation available to them by process of law. The motor tourist from outside the Province, as already pointed out, could not be brought within the scope of a Compulsory Insurance measure unless Ontario were prepared to sacrifice the greater part of its tourist traffic. Persons injured by uninsured motor vehicles belonging to tourists would therefore have no greater measure of redress under compulsory insurance than under the Safety Responsibility provisions of the law now in effect.

The Ontario Motor League submits that whatever may be the merits of Compulsory Automobile Insurance, no such measure should be proposed to the Ontario Government, much less enacted, unless and until a new investigation of the subject, conducted as thoroughly as the Hodgins' enquiry, has been completed.

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